

REMARKS

Applicants have carefully reviewed the Office Action dated May 3, 2004. Reconsideration and favorable action is respectfully requested.

The Examiner has noted a number of errors in the amendment. However, Applicants are confused over the Examiner's notations of these errors. For example, the Examiner indicated that there was a blank after the claims on page 8. However, Applicants' copy (the original that was faxed), indicated that page 8 was the page of the Remarks Section, this noted on the top thereof. Applicants do not show any record that the Amendment appeared to restart. Possibly this was due to the facsimile transmission. There is no blank where the page number starts on any of the pages. Applicants apologize for the inclusion of the wrong Examiner's name.

The Claims stand rejected primarily in view the *Birdwell et al.* reference in combination with the *Metz* and the *Durden* references. Applicants believe that the Examiner has misunderstood the claims.

As set forth, the claims required that there be a unique ID associated with the monitoring interface by the user. This is set forth in Line 11 of the claim wherein it states that "the user associated with a monitoring interface of the user...the unique ID associated with that user and a desired one of the one or more discrete software streams ..." This sets forth that, although there is a unique ID that is associated with the software, this unique ID will be associated with that user. In the Specification, on page 43, first paragraph, it is set forth that what is transmitted is an authorization code and a user ID. In this combination, that is unique. The authorization code is a parameter that the user enters. Therefore, this unique ID is unique to that user when the user has the authorization code. Thus, when the user enters this authorization code ID into the monitoring interface, there is a comparison made at the monitoring interface. This comparison is set forth in the language beginning at line 14 of Claim 1.

AMENDMENT AND RESPONSE

S/N 09/417,863

Atty. Dkt. No. PHLY-24,767

that the software and the data stream is selected according to the respective unique ID's, i.e., whenever there is a match. The word "match" is not set forth in the claim, but it is clearly implied therein. The step of selecting then results in downloading of the one or more discrete software data streams. However, it is noted that the unique ID is deleted, i.e., the authorization code is deleted, after the downloading of the software data stream. Therefore, there can never be a confirmed match thereafter.

As discussed in the previous responses, the *Birdwell et al.* reference does not show this function. Since there is a delayed notification to the server, the retransmission of the software could be effected to a particular client due to the fact that all that is required at a client computer is that the software transmission has in the header thereof the address of that particular client computer. There is no provision in the client computer to remove an authorization code upon downloading without notification. In Applicants' present inventive concept, as defined by the amended claims, all that is required is to transmit the information and, no matter how many times it is transmitted, only a single copy would ever be completely received by the user computer. Therefore, Applicants believe that the *Birdwell et al* reference was misapplied to the claims due to possibly some claim misinterpretation due to a mis-communication. Although Applicants noted in the prior response that this prevents retransmissions, this is really a prevention of receipts at the client computer. Therefore, Applicants respectfully request the withdrawal of the 35 U.S.C. §103(a) rejection with respect to Claims 1-5, 10-11, 15-20, 25-26 and 30. The remaining claims, Claims 6, 12-14, 21 and 27-29 are also believed to overcome the rejection set forth by the Examiner due to the arguments set forth with respect to Claim 1.

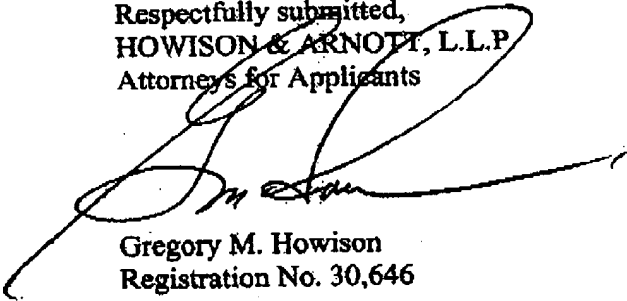
Claims 7-8, 22-23 and 9 and 24, also are believed to overcome the rejections in view of the combination of *Metz et al.* *Birdwell et al* and further in view of *Durden*. Applicants note with appreciation the Examiner's detailed analysis of the claims and references.

AMENDMENT AND RESPONSE
S/N 09/417,863
Atty. Dkt. No. PHL-24,767

10

Applicants have now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicants respectfully request full allowance of the claims as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/PHLY-24,767 of HOWISON & ARNOTT, L.L.P.

Respectfully submitted,
HOWISON & ARNOTT, L.L.P.
Attorneys for Applicants



Gregory M. Howison
Registration No. 30,646

GMH/yoc

P.O. Box 741715
Dallas, Texas 75374-1715
Tel: 972-479-0462
Fax: 972-479-0464
July 30, 2004

AMENDMENT AND RESPONSE
S/N 09/417,863
Atty. Dkt. No. PHLY-24,767